

Message Text

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ACTION ARA-20

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FM AMEMBASSY BRASILIA

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INFO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L BRASILIA 6390

E.O.11652: GDS

TAGS: PFOR, TGEN, MFM, UNCTAD, BR

SUBJECT: WG SUBGROUP III ON SCIENCE AND TRANSFER OF TECHNOLOGY:

CODE OF CONDUCT

REF: A. GENEVA 5369 B. BRASILIA 6334

1. SUMMARY: US STRATEGY DESCRIBED IN GENEVA 5369 APPEARS TO US DEL TO SUB-GROUP III AS LEADING TO SERIOUS CONFRONTATION WITH LATIN AMERICANS. WE RECOMMEND URGENT RECONSIDERATION.

2. SUB-GRROUP III HAS DISCUSSED CODE OF CONDUCT ISSUE ON TWO OCCASIONS. IN OPENING SESSION, AS REPORTED IN BRASILIA 6305, LATINS ASKED US DEL TO CLARIFY DISCREPANCY BETWEEN POSITION TAKEN IN BRASILIA WORKING GROUP MEETING IN JUNE AND POSITION TAKEN ON CODE OF CONDUCT AND PATENT RESOLUTIONS IN IGG. REFTEL B FORWARDED LATIN QUESTION IN WRITING. WITH SG SESSION NOW SCHEDULED TO END MORNING OF AUGUST 24, LATINS HAVE REQUESTED WRITTEN RESPONSE AT FRIDAY 23 AUGUST SESSION OPENING 1000 HOURS.

3. DISCUSSION OF CODE OF CONDUCT TODAY'S SESSION BUILT AROUND LATIN REQUEST TO US THAT WE ESTABLISH QUOTE INTERNAL NORMS OF BEHAVIOUR FOR ENTERPRISES DEALING WITH TRANSFER OF TECHNOLOGY TO LATIN

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AMERICA. UNQUOTE IN DISCUSSION, THESE QUOTE NORMS OF

BEHAVIOR UNQUOTE WERE FURTHER DESCRIBED AS A UNILATERAL US QUOTE INDICATIVE CODE OF CONDUCT UNQUOTE. IN SUBSEQUENT PRIVATE CONVERSATION WITH GRANGER, BRAZILIAN DEL DA COSTA SAID QUOTE GUIDELINES UNQUOTE BETTER TERM THAN CODE OF CONDUCT.

4. LATINS ALSO REQUESTED USG TO QUOTE PARTICIPATE CONSTRUCTIVELY IN THE EFFORTS TO ESTABLISH A CODE OF INTERNATIONAL BEHAVIOR UNQUOTE IN UNCTAD. THIS REQUEST AND THAT DESCRIBED IN PARA 3 WILL BOTH BE PRESENTED IN WRITING IN FRIDAY SESSION. LATINS TOOK POSITION THIS MATTER BELONGS IN UNCTAD AND NOT IN SEPARATE HEMISPHERIC FORUM.

5. WE BELIEVE THAT US REFUSAL TO PARTICIPATE IN TDB EXPERT GROUPS OR TO INSIST ON PRIOR AGREEMENT THAT CODE OF CONDUCT WILL BE NON-BINDING WILL HAVE EFFECT OF TURNING LATINS STRONGLY AGAINST US IN BOTH UNCTAD AND WORKING GROUP FORUMS. PRESENT LATIN ATTITUDE IS IN OUR OPINION VERY CONSTRUCTIVE AND COULD HELP IN UNCTAD IF WE AGREE TO PARTICIPATE IN BOTH TDB EXPERT GROUPS WITHOUT IMPOSING PRIOR CONDITIONS.

6. ACTION. US DEL MUST HAVE SPECIFIC INSTRUCTIONS ON THESE POINTS AND RESPONSE TO BRASILIA 6334 IN FORM WE CAN HAND OVER TO LATINS NOT LATER THAN 1000 HOURS FRIDAY, AUGUST 23. CRIMMINS

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